

AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 220

**Introduced by Assembly Members Washington and
Lowenthal, Lowenthal, and Wesson**

(Coauthors: Senators Hughes Bowen, Hughes, and
Karnette)

January 26, 1999

~~An act to amend Section 23095 of, and to add Section 23095.1 to,~~
An act to add Section 23095.1 to the Business and Professions Code, relating to alcoholic beverages, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 220, as amended, Washington. Community-based alcohol education programs.

Existing law requires the ~~State Department of Alcohol and Drug Programs within the Health and Welfare Agency~~ *Alcoholic Beverage Control* to perform various duties in administering programs ~~for the prevention and treatment of alcohol and drug abuse to prevent the use of alcohol by minors.~~

This bill would establish community-based alcohol education programs for youth under which the ~~State Department of Alcohol and Drug Programs~~ *Alcoholic Beverage Control* would make grants to cities and counties for alcohol education programs, as specified. This bill would, for purposes of funding these grants, establish the

Community-Based Alcohol Education Account in the Alcoholic Beverage Control Fund ~~into which revenues derived from offers to compromise following suspension of licenses would be deposited and would appropriate \$900,000 into that account.~~ This bill would continuously appropriate the moneys deposited in the Community-Based Alcohol Education Account to the department for purposes of making the grant allocations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 alcohol-related automobile accidents involving minors
3 and other alcohol-related problems of minors in our
4 society should be addressed by community-based
5 education programs. It is the intent of the Legislature, in
6 the enactment of this act, to establish a structure and
7 provide funding for local educational programs aimed at
8 countering pro-alcohol influences targeted toward
9 minors and at educating the public in such a way as to
10 reduce youth access to alcohol.

11 ~~SEC. 2. Section 23095 of the Business and Professions~~
12 ~~Code is amended to read:~~

13 ~~23095. (a) Whenever a decision of the department~~
14 ~~suspending a license for 15 days or less becomes final,~~
15 ~~whether by failure of the licensee to appeal the decision~~
16 ~~or by exhaustion of all appeals and judicial review, the~~
17 ~~licensee may, before the operative date of the suspension,~~
18 ~~petition the department for permission to make an offer~~
19 ~~in compromise, to be paid into the Alcoholic Beverage~~
20 ~~Control Fund, consisting of a sum of money in lieu of~~
21 ~~serving the suspension. Upon the receipt of the petition,~~
22 ~~the department may stay the proposed suspension and~~
23 ~~cause any investigation to be made which it deems~~
24 ~~desirable and may grant the petition if it is satisfied that~~
25 ~~the following conditions are met:~~

26 ~~(1) The public welfare and morals would not be~~
27 ~~impaired by permitting the licensee to operate during~~

1 the period set for suspension and the payment of the sum
2 of money will achieve the desired disciplinary purposes.

3 (2) The books and records of the licensee are kept in
4 such a manner that the loss of sales of alcoholic beverages
5 that the licensee would have suffered had the suspension
6 gone into effect can be determined with reasonable
7 accuracy therefrom.

8 The offer in compromise shall be the equivalent of 50
9 percent of the estimated gross sales of alcoholic beverages
10 for each day of the proposed suspension, and the offer in
11 compromise shall be not less than one thousand five
12 hundred dollars (\$1,500) or more than six thousand
13 dollars (\$6,000).

14 (b) Notwithstanding any other provision of this
15 division, the department may accept an offer in
16 compromise from a retail licensee in the equivalent of 50
17 percent of the estimated gross sales of alcoholic beverages
18 for each day of a proposed suspension and the offer in
19 compromise shall be not less than seven hundred fifty
20 dollars (\$750) or more than three thousand dollars
21 (\$3,000), provided the petitioning retailer has had no
22 other accusation filed against him or her by the
23 department during the prior three years from the date of
24 the petition that has resulted in a final decision to suspend
25 or revoke the retail license concerned.

26 (c) (1) Notwithstanding the provisions of subdivision
27 (a), the offer in compromise for nonretail licensees shall
28 be the equivalent of 50 percent of the estimated gross
29 sales of alcoholic beverages for each day of the proposed
30 suspension, and the offer in compromise shall be not less
31 than seven hundred fifty dollars (\$750) and shall not
32 exceed ten thousand dollars (\$10,000) unless the
33 nonretail licensee has violated Section 25500, 25502,
34 25503, or 25600 by giving to any licensee illegal
35 inducements, secret rebates, or free goods amounting to
36 more than ten thousand dollars (\$10,000) in value, in
37 which case the offer in compromise shall be equal to the
38 value of the illegal inducements, secret rebates, or free
39 goods given.

~~(2) Notwithstanding paragraph (1), any nonretail licensee who pays an offer in compromise based upon a violation in the exercise of any retail privileges of that license shall have the offer in compromise computed on estimated retail gross sales only pursuant to subdivision (a) or (b).~~

~~(3) All moneys collected as a result of penalties imposed under this subdivision shall be deposited directly in the Community Based Alcohol Education Account in the Alcohol Beverage Control Fund created pursuant to Section 23095.1.~~

~~SEC. 3.—~~

SEC. 2. Section 23095.1 is added to the Business and Professions Code, to read:

23095.1. (a) The Community-Based Alcohol Education Account is hereby created in the Alcohol Beverage Control Fund to be used to finance community-based alcohol education programs for youth. Notwithstanding Section 13340 of the Government Code, or any other provision of law, the Community-Based Alcohol Education Account is hereby continuously appropriated without regard to fiscal years to the department for purposes of making grant allocations pursuant to this section. Any city or county in the state may apply to the department for funding under this program.

(b) In awarding the grants pursuant to applications from cities or counties, the department shall give preference to the cities and counties with more than 700 retail liquor licenses within their boundaries and to cities and counties with the highest demonstrated need, as shown in their applications. For purposes of determining the number of licenses, cities shall count licenses within their boundaries and counties shall count licenses within their unincorporated area.

(c) The department shall advise eligible local agencies of the existence of the program created by this section and shall disburse annual grants pursuant to this program in the amount of up to three hundred thousand dollars (\$300,000) per year beginning on July 1, 2000.

1 *SEC. 3. There is hereby appropriated the sum of nine*
2 *hundred thousand dollars (\$900,000) from the General*
3 *Fund to the Community-Based Alcohol Education*
4 *Account in the Alcoholic Beverage Control Fund*
5 *established pursuant to Section 23095.1 of the Business*
6 *and Professions Code.*

O

